IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5552 OF 2007

Sau. Bharti Sudam Mhatre ....Petitioner.
V/s
The Mun. Corpn. For Meera Bhayander & Ors.... ....Respondents.

Mr.Anil Kumar Patil, Adv. For the petitioner.

Smt.Anjali Helekar for respondent Nos. 1 & 2.

Mr.S.K.Chincholikar, AGP for respondent No.4.

CORAM: A.P.DESHPANDE, J.
2/8/07

PC:

The rejection of nomination paper of the petitioner for Councilor for Meera Bhayandar Municipal Corporation has given rise to the filing of present writ petition. Nomination of the petitioner has been rejected from the category of OBC women. The guidelines issued by the Election Commission requires the candidate to submit along with nomination paper copy of caste certificate and copy of caste validity certificate. In cases where caste certificate of the candidate is pending scrutiny with the Caste Scrutiny Committee then in that case nomination paper must accompany the receipt issued by the Caste Scrutiny Committee stating therein that the candidate's caste claim is pending adjudication with the Caste Scrutiny Committee. Admittedly the petitioner did not submit

with the nomination paper receipt issued by the Caste Scrutiny Committee indicating that the claim of the petitioner is pending scrutiny with the Committee. No doubt the petitioner was possessed of such receipt at the time of scrutiny and hence learned counsel submits that there being a substantial compliance of guidelines nomination of petitioner should not have been rejected. I am not in agreement with the submission made by the learned counsel. The Returning Officer has rightly rejected the nomination of the petitioner as the same did not accompany copy of receipt indicating pendency of caste claim with the Caste Scrutiny Committee. The election law being a statute law there is no scope for equitable consideration. Hence writ petition is summarily dismissed.

2.8.07